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 8 Attorneys for Defendant
 9 Tiberon Minerals, Ltd.

10
 11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 Trevor Moss,

14 Plaintiff,

15 v.

16 Tiberon Minerals, Ltd.,

17 Defendant.

18 Case No. C 07 2732 SC

19
**20 DECLARATION OF MARIO CARON
 21 IN SUPPORT OF MOTION TO
 22 DISMISS FOR FORUM NON
 23 CONVIENS**

24 Date:
 25 Time:
 26 Judge:

27 I, Mario Caron, declare:

28

1. Over the time period relevant to this dispute I have been President and Chief Executive
 2 Officer of Tiberon Minerals, Ltd. and also have been the Chairman of Nui Phao Mining
 3 Joint Venture Company, Ltd.. In those capacities I was directly involved in the creation
 4 of Mr. Moss's contractual arrangements with the Two Companies, supervised Mr. Moss
 5 in his duties under those contractual arrangements, evaluated his work and participated in
 6 the determination of whether or not he had fulfilled any of his bonus work in an amount
 7 and manner sufficient to justify a bonus under his contracts, including his work in the
 8 calendar year 2006. That direct involvement described above gives me direct and specific
 9 personal knowledge of the facts set forth herein and I would testify competently to them if

1 called upon to do so.

2 2. The only witness in California of whom I am aware who has direct knowledge of Mr.
 3 Moss's performance under his contracts with Tiberon Minerals, Ltd. ("Tiberon") and Nui
 4 Phao Mining Joint Venture Company, Ltd. ("Nui Phao") (collectively "the Two
 5 Companies") is Mr. Moss himself.

6 3. Much of Mr. Moss's performance was made outside the United States in Canada and
 7 Southeast Asia and the South Pacific, specifically including the operational location of
 8 Nui Phao, Viet Nam, and in or about the physical location of Tiberon's office in Toronto,
 9 Canada.

10 4. I have reviewed the claims made by Mr. Moss in his pleadings and in letters sent by him
 11 or his representative to the Two Companies. From my position as the prime leader of the
 12 Two Companies and as Mr. Moss's immediate supervisor, I know of the following
 13 potential witness to his performance in 2006 under the contracts upon which he relies.
 14 From my position in the Two Companies and my involvement on a day-to-day basis with
 15 most of these people, I know where they are geographically located.

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16	Person	Current Location	Position
17	Mario Caron	Toronto, Canada	Chairman of Nui Phao and President and CEO of Tiberon. Immediate supervisor of Mr. Moss at the Two Companies.
18	Walter Henry	Toronto, Canada	Former Vice President Finance and CFO of Tiberon Minerals, Ltd.. Mr. Henry worked closely with Mr. Moss with respect to the expenditure controls vis a vis the budget. Mr. Henry also worked closely with Mr. Moss with respect to supplying the potential lenders with required information.

1	Matt Bolu	Vancouver, British Columbia, Canada	Process Manager at Bulo Consulting. Mr. Bolu worked closely with Mr. Moss with respect to bonus objective number 2. Mr. Bolu expressed on numerous occasions that the Project Completion Estimate and Project Completion Schedule were significantly behind schedule.
8	Richard Lister	Toronto, Canada	Lead Director and member of the Compensation Committee of Tiberon Minerals Limited. As lead director, Mr. Lister was intimately familiar with the development of the project and expressed on numerous occasions his concerns with respect to the delays and the cost escalation that the project was undergoing after the appointment on Mr. Moss.
17	Barbara Filas	Denver, CO	With Knight Piesold and responsible for the ESIA, one of the activities on which Mr. Moss's potential for a bonus hinged.
20	Zimi Meka	Brisbane, Australia	Managing Director of Ausenco, a company with whom Mr. Moss worked in connection with his assignments for the Two Companies.
23	Unidentified Others	Brisbane, Australia	With Ausenco.
24	Ian Gowrie-Smith	Resident of both United Kingdom and Sydney, Australia	Chairman of the Board, Tiberon

1	David Garofalo	Toronto, Canada	Director and Chairman of the Audit
2			Committee of Tiberon
3	Lars-Eric Johansson	London, England (formerly of Toronto, Canada)	Director and Chairman of the Audit Committee of Tiberon
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5	Loren Komperdo	Calgary, Canada	Director and Member of the Audit Committee of Tiberon
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7	Cliff Davis	Kemble, Ontario, Canada	Director and Chairman of the Compensation Committee of Tiberon
8			
9	Trevor Moss	Sonoma County, California	Plaintiff
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11			

12 5. The books, records and files of the Two Companies are located in: Toronto, Canada;
 13 Hanoi and Dai Tu, Vietnam; and Brisbane, Australia.

14 I declare and state under penalty of perjury under the laws of the United States of
 15 America that the foregoing is true and correct.

16 Executed on August 23, 2007 at Toronto, Canada.

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19 Mario Caron
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